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| 09/580,163      | 05/30/2000  | Wido Menhardt        | 48906.2USPT         | 2456             |

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| EXAMINER |
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CHUONG, TRUC T

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| ART UNIT | PAPER NUMBER |
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2179

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/580,163

Applicant(s)

MENHARDT ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is responsive to the Appeal Brief, filed 03/17/05.
2. Claims 4-51 are pending in this application. In the communication, claims 4 and 33 are independent claims, and claims 1-3 are cancelled. This action is made non-final.
3. In view of the Appeal Brief filed on 02/11/05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 4-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory for at least the reason that the organization of data (data structure) is not on computer readable medium in manner so as to be executable. In the context, "functional

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descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component (IEEE standard dictionary, “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.”). An appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the applied processing" in line 11 of claim 4. There is insufficient antecedent basis for this limitation in the claim.

Other claims are also rejected because they also include the deficiency of their parent claim(s).

### ***Claim Objections***

8. Claims 4-32 are objected to because of the following informalities: “A process level”, “A sub-process”, and “An activity” should not be capitalized. Appropriate correction is required.

Other claims are also objected because they also include the deficiency of their parent claim(s).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 4-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynn et al. (U.S. Patent No. 6,606,740).

As to claim 4, Lynn teaches a framework for monitoring workflow within an application having multiple levels of functionality, said framework capable of combining a plurality of components from different sources, the framework comprising:

a. a process level for selecting a set of defined process steps to be applied to a data set associated with a set of activities (business processes 26, e.g., col. 5 lines 53-65, and figs. 2-3);

b. a sub-process level including an aggregation of selected activities from said set of activities, said sub-process level for facilitating navigation between ones of said selected activities (common objects 24, e.g., col. 5 line 67-col. 6 line 18, col. 6 lines 59-67, and figs. 2-3);  
and

c. an activity level including at least one activity from said set of activities; wherein said at least one activity having a property in said data set that is modified as a result of the applied processing of said activity level to produce an output data set (foundation objects 22 and conventional platforms 20, e.g., col. 5 lines 8-41, and figs. 2-3).

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As to dependent claim 5, Lynn teaches a user interface for facilitating interaction between a user and said application (e.g., GUI, col. 6 lines 22-39).

As to dependent claim 6, Lynn teaches the levels are assignable to distinct regions of said user interface (the main window will expand to show a grid with case data for any matching cases, e.g., col. 11 lines 48-50, and lines 60-63).

As to dependent claim 7, Lynn teaches the activity level further supports a re-use of a previous activity over a current activity, said previous activity selected from said aggregation of selected activities (business processes 26 preferably include modules that can be reused in many enterprises with very little customization, e.g., col. 5 lines 57-59).

As to dependent claim 8, Lynn teaches the user interface includes a screen for providing a display of images (e.g., images, medical X-rays, drawings, etc., col. 4 lines 31-39).

As to dependent claim 9, Lynn teaches current activity being processed from said set of activities is assigned to a work area of said screen, said work area having a substantial portion of the screen surface area (using the GUI as a main window to customize a workflow processing system, e.g., col. 5 lines 3-60).

As to dependent claim 10, Lynn teaches the framework monitors ownership of said work area by said current activity (the level of security is the function within the task, and only some users allowed to access this function, e.g., col. 7 lines 48-55).

As to dependent claim 11, Lynn teaches the user interface facilitates multiple activities that are processable concurrently (simultaneously processing the current case by user interaction through a client/server GUI environment, e.g., col. 7 lines 59-63).

As to dependent claim 12, Lynn teaches the sub-process level facilitates a dynamic ordering of said selected activities by said user (the window creates itself dynamically from a set of constant data structures, e.g., col. 11 lines 7-12).

As to dependent claim 13, Lynn teaches the process level automates a control flow between said selected activities in said set of activities based on a rule set or an activity property set (the window is a sample property-tabbed dialog that the user uses to update any of the values from the grid, e.g., col. 11 lines 10-14).

As to dependent claim 14, Lynn teaches at least two of said different sources have different formats (Windows or UNIX environment, e.g., col. 5 lines 15-28).

As to dependent claim 15, Lynn teaches the process level monitors functionality of a current activity based on said output data set obtained from a previous activity (e.g., reused in many enterprises, e.g., col. 5 lines 54-61).

As to dependent claim 16, Lynn teaches the process level includes a data selector for selecting said data set (the data operated on by workflow processing systems is determined when the workflow processing system is designed and is limited to a few types, such as database records, e.g., col. 4 lines 30-40).

As to dependent claim 17, Lynn teaches the process level further includes a process selector for selecting said set of defined process steps compatible with said data set (same data types, e.g., col. 4 lines 30-40).

As to dependent claim 18, Lynn teaches the process level facilitates selection between active activities by a user (e.g., col. 5 lines 5-61).

As to dependent claim 19, Lynn teaches a tool level for setting a parameter of said activity level, said parameter for updating an operational behavior of said activity level (the parameters associated with each work type describe the database table and the workflow engine class that should be accessed for processing, e.g., col. 17 lines 43-50).

As to dependent claim 20, Lynn teaches the tool level is assignable to a distinct region of a user interface, said user interface for facilitating interaction between a user and said application (e.g., col. 11 lines 48-50, and lines 60-63).

As to dependent claim 21, Lynn teaches an installation of a tool in the tool level region of said interface, said tool requested by said activity level (e.g., figs. 2-4C).

As to dependent claim 22, Lynn teaches the tool level includes a tool navigator for facilitating selection of a tool by said user (e.g., GUI, e.g., 6 lines 19-58).

As to dependent claim 23, Lynn teaches the multiple tool levels are supported by said framework (e.g., figs. 2-4C, and 5).

As to dependent claim 24, Lynn teaches a content of said work area contains shared properties stored in a shared data context (reused the same data set and setup in different modules, e.g., col. 5 lines 54-61).

As to dependent claim 25, Lynn teaches the shared data context is accessible by cooperating ones of said selected activities for sharing information (the level of security is the function within the task, and only some users allowed to access this function, e.g., col. 7 lines 48-55).

As to dependent claim 26, Lynn teaches the data set and said set of process steps form a basis of said shared data context (e.g., col. 5 lines 54-61).



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As to dependent claim 27, Lynn teaches the content of said shared data context is accessible by said user for verifying that required data for said selected activities is present (the level of security is the function within the task, and only some users allowed to access this function, e.g., col. 7 lines 48-55).

As to dependent claim 28, Lynn teaches the framework restricts access by said user of selected ones of the levels (different levels during the process, e.g., col. 5 line 29-col. 6 line 31, and figs. 2-4C & 5).

As to dependent claim 29, Lynn teaches including a module for interfacing said application to a database library (the workflow processing framework can be used to develop a workflow processing system by entering data into the database to define work types and work steps for workflow processing, creating a graphical user interface (GUI) to use the set of objects, and defining the workflow in the workflow engine, e.g., col. 3 lines 15-24).

As to dependent claim 30, Lynn teaches the database library includes data selected from the group comprising process definitions, sub-process descriptions, and activity information (e.g., col. 5 lines 5-65, and figs. 2-4C).

As to dependent claim 31, Lynn teaches the data set is external to said framework with an interface to said data set provided by said module (e.g., col. 5 lines 5-65).

As to dependent claim 32, Lynn teaches the framework restricts access by said user of selected ones of the levels (e.g., figs. 2-4C, and the level of security is the function within the task, and only some users allowed to access this function, e.g., col. 7 lines 48-55).

As to claims 33-51, they are the equivalent method claims of product claims 4-6, 8-16, 7, 19-20, 30, 24-25, 28 and 32 respectively and are rejected under a similar rationale.

***Response to Arguments***

11. Applicant's arguments with respect to claims 4-51 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Avinash (U.S. Patent No. 6,246,783 B1) teaches medical framework, images, and GUI (cols. 2-10 and figs. 1-2).

Sitka (U.S. Patent No. 6,330,572 B1) teaches medical images processes, framework, applications, and database (cols. 2-30 and figs. 1-8).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/26/05

  
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